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[Doc. 8.] Subsequent inquiry by the Bureau of Prisons revealed that the Petitioner transferred to the Federal Correctional Institution in Gilmer, West Virginia. *Id.* The Clerk of Court then re-issued Magistrate Judge Limbert's Report and Recommendation on August 18, 2006 to "Mario Young, Fed. #54884-060, FCI Gilmer, P.O. Box 6000, Glenville, WV 26351." *Id.*

The Federal Magistrates Act requires a district court to conduct a de novo review only of those portions of the Report to which an objection has been made. *See* 28 U.S.C. § 636(b)(1). As noted in Magistrate Judge Limbert's Report and Recommendation, any objections must be filed with the Clerk of Court within ten days of the report's issuance. [Doc. 7 at 17.] Parties waive their right to appeal the Magistrate Judge's Recommendation if they fail to object within the time allowed. *Id.* (citations omitted).

Here, more than ten days have elapsed from the re-issuance of Magistrate Judge Limbert's Report and Recommendation and neither party objects to his Recommendation. Having conducted its own review of the parties' briefs on the issue, the Court agrees with the conclusions of Magistrate Judge Limbert and adopts the Report and Recommendation as its own. Therefore, the Court incorporates Magistrate Judge Limbert's findings of fact and conclusions of law fully herein by reference. Accordingly, the Court denies the Petitioner's Section 2255 motion.

#### Conclusion

For the reasons discussed above, the Court **ADOPTS** the Report and Recommendation of the Magistrate Judge and **DENIES** the Petitioner's motion to vacate, set aside, or correct his

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sentence pursuant to 28 U.S.C. Section 2255. [Docs. 1, 7.]

IT IS SO ORDERED.

Dated: September 11, 2006

s/ *James S. Gwin*  
JAMES S. GWIN  
UNITED STATES DISTRICT JUDGE